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OCT 04 2007

## CENTRAL LOCATION

## FACSIMILE COVER SHEET

**Examiner:** Ayal I. Sharon **Group:** 2123

**Date:** October 4, 2007

**Client Code:** 1086

**Facsimile No.:** 571-273-8300

**From:** Jean-Paul Cass, Esq.  
Registration No.: 46,605

**Subject:** Response to Final Office Action Dated September 6, 2007

**Docket No.:** 1086.2002-001

**Applicants:** Paul Turner, John P. Guiver, Brian Lines and S Steven Treiber

**Application No.:** 09/892,586

**Filing Date:** June 27, 2001

Number of pages including this cover sheet: 39

Please confirm receipt of facsimile: Yes  No

**Comments:**

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757922\_1  
SCLG/MLW/JPC/ml  
October 1, 2007

PATENT APPLICATION  
DOCKET NO. 1086.2002-001  
Expedited Procedure under 37 CFR 1.116  
Examining Group 2123

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED

Applicants: Paul Turner, John P. Guiver, Brian Lines and S. Steven Treider, C  
ENTRAL FAX CENTER

Application No.: 09/892,586

Group: 2123

OCT 04 2007

Filed: June 27, 2001

Examiner: Ayal I. Sharon

Confirmation No.: 2279

For: COMPUTER METHOD AND APPARATUS FOR CONSTRAINING A  
NON LINEAR APPROXIMATOR OF AN EMPIRICAL PROCESS

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, V.A. 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

*October 4, 2007 Marianne Lentini*

<i>Date</i>	<i>Signature</i>
<i>Marianne Lentini</i>	

**Typed or printed name of person signing certificate**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Final Office Action for filing in the above-identified application.

- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- A Small Entity Statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

09/892,586

-2-

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**OCT 04 2007**

**The claims fee has been calculated as shown below:**

					SMALL ENTITY		OTHER THAN SMALL ENTITY				
			HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE		ADDITIONAL FEE	RATE		ADDITIONAL FEE
TOTAL	64	MINUS	*	64	0	X	\$25	\$	X	50	\$
INDEP	22	MINUS	**	22	0	X	\$105	\$	X	\$210	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP CLAIM					+	\$185	\$		+	\$370	\$

\* not fewer than 20

\*\* not fewer than 3

TOTAL = \$ 0

TOTAL = \$ 0

**The Application Size Fee has been calculated as shown below:**

*(Effective for cases filed on or after December 8, 2004)*

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (increments of 50 sheets)	SMALL ENTITY		OTHER THAN SMALL ENTITY		Payment Sufficient for up to [ ] Sheets
			Rate	Total Amount Owed	Rate	Total Amount Owed	
			X \$130	\$[ ]	X \$260	\$[ ]	

**Petition for Extension of Time**

- Applicant hereby petitions to extend the time to respond to the [ ] dated [ ] for [ ] month(s) from [ ] to [ ]. The appropriate fee is set forth below.
- [For action-specific language in an extension of time, select the appropriate option from the Firm Templates]*

09/892,586

-3-

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**OCT 04 2007****Please charge Deposit Account No. 08-0380 for the following fees:**

<input type="checkbox"/> Petition for [ ] month Extension of Time	\$ _____
<input type="checkbox"/> Claims Fee	\$ _____
<input type="checkbox"/> Application Size Fee	\$ _____
<input type="checkbox"/> Other Fees:	\$ _____
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<b>TOTAL: \$ _____</b>	

**A check is enclosed in payment of the following fees:**

<input type="checkbox"/> Petition for [ ] month Extension of Time	\$ _____
<input type="checkbox"/> Claims Fee	\$ _____
<input type="checkbox"/> Application Size Fee	\$ _____
<input type="checkbox"/> Other Fees:	\$ _____
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<b>TOTAL: \$ _____</b>	

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

By Jean-Paul Cass  
 Jean-Paul Cass  
 Registration No.: 46,605  
 Telephone (978) 341-0036  
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Concord, Massachusetts 01742-9133  
 Dated: 10/4/2007

754863\_1  
MILW/SGLG/JPC  
October 4, 2007

PATENT APPLICATION  
Attorney's Docket No: 1086 2002-001  
Expedited Procedure under 37 C.F.R. § 1.116

Examiner RECEIVED  
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## THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 04 2007

Applicants: Paul Turner, John P. Guiver, Brian Lines and S. Steven Treiber

Application No.: 09/892,586 Group: 2123

Filed: June 27, 2001 Examiner: Ayal I. Sharon

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*October 4, 2007 Marianne Lentini*  
\_\_\_\_\_  
*Marianne Lentini*  
\_\_\_\_\_  
Date Signature  
\_\_\_\_\_  
Typed or printed name of person signing certificate

RESPONSE TO FINAL OFFICE ACTION DATED SEPTEMBER 6, 2007

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the final Office Action mailed from the U.S. Patent and Trademark Office on September 6, 2007 in the above-identified application. Reconsideration and further examination are requested.

Please amend the application as follows: